

Before the
Federal Communications Commission
Washington DC 20554

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In the Matter of:

Advanced Television Systems
and Their Impact Upon the
Existing Television
Broadcast Service

MM Docket No. 87-268

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To: The Commission

Comments of
Valley of Peace Christian Television (K07WD)

We, the Board of Valley of Peace Christian Television, hereby submit these Comments in response to the Commission's Sixth Further Notice of Proposed Rule Making ("6th NPRM") in the captioned proceeding, in which the Commission proposes to allot a second six MHz channel to each full power television station for digital television ("DTV") purposes, in a manner estimated to result in the destruction of up to 45% of all existing low power television ("LPTV") stations. Such a proposal would be devastating to K07WD and the viewers in Union County, Oregon.

K07WD, with headquarters in La Grande, Oregon, broadcasts programming based on the 27 Fundamental Beliefs of the Seventh Day Adventist Church. The Seventh Day Adventist Church has 8 million members worldwide. The membership of the North American Division exceeds 800, people served by more than 4,600 churches.

Valley of Peace Christian Television, a low-powered television station, brings much more than religious programming to its many viewers. Its programming includes many health-related and educational programs, transmits multilingual programming and serves minorities and communities not otherwise served by any other full power or LPTV stations.

Valley of Peace Christian Television (K07WD) is the result of over three years of committed planning, sacrifice and diligent efforts of hardworking volunteers. We, the Board of Valley of Peace Christian Television, believe in the positive programming this station offers to our surrounding community.

As the *only* privately owned local station in our valley, we feel the loss of this station would be devastating to K07WD and its viewers. As a courtesy to our viewers, we have endeavored to establish antenna consultation, installation and hook-up free of charge as a service to our community.

It would be a great disservice to public interest to deprive viewers of our programming, on which the viewers have come to rely for issues of faith, health, education and entertainment.

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Both Congress and the Commission have extolled the benefits of LPTV stations, yet the Commission's current proposal relegates its recognition of these benefits to mere lip service. There is nothing in the Commission's Act that *requires* the Commission to allot second 6 MHz channels to all full power television stations and to give these channels away for free, even at the expense of numerous LPTV stations that will be lost in the shuffle. LPTV stations not only fail to benefit from this giveaway, but must suffer a tremendous net loss of service as envisioned by the Commission's proposed allotment scheme. Perhaps most devastating to the LPTV service is the Commission's proposed "recovery" of Channels 60-69. The loss of 34 - 45% of all existing LPTV operation in the Commission's current proposal is proof that the broadcast band does not have ten channels to spare. The Commission's consideration of an auction for such channels in the face of such a massive loss of LPTV service suggest that the Commission is putting monetary considerations ahead of the public interest.

As recently as 1994, the Commission recognized that:

The LPTV service is more than meeting its expectation. Today 1400 LPTV stations serve diverse audiences in more than 750 communities and in all 50 states. These communities range in population from the hundreds to the millions. The hallmarks of the LPTV service are TV "localism" and specialized "niche" programming...The LPTV service also has contributed to increased diversity in broadcast station ownership. LPTV station licenses include schools, colleges, churches, community groups, newspaper publishers and radio and TV broadcasters.

First Report and Order in MM Docket No. 93-114,9 F.C.C. Rcd 2555, Paragraphs 2-3 (1994)

Although LPTV is a secondary service subject to displacement by full power stations, the Commission implicitly recognized the public interest benefits and audience loyalty attributable to LPTV stations when it imposed an application freeze on LPTV in the same markets in which it had earlier frozen full power applications in anticipation of DTV. (See Public Notice, Mimeo No. 12124; released 12 Mar 1991) The Commission froze new LPTV stations in these areas "to minimize the extent to which low power TV and TV translator service to the public may be disrupted".
Id

The Commission took further steps to "contribute greatly to the orderly development and stability of the low power television service," when it adopted its "displacement" policy, permitting LPTV stations that are displaced by conflicting primary services to move to a different channel without facing competition from other applicants.
(*Report and Order* in MM Docket No. 86-286,2 F.C.C. Rcd. 1278; 1987)

Naturally, we applaud the Commission's proposal to "continue to permit displaced low power stations to apply for a suitable replacement channel in the same area without being subject to competing applications"

in the context of the DTV proceeding. We also applaud the Commission's proposal to permit LPTV operations on channels outside the core digital TV spectrum. However, more can and should be done to protect the LPTV service and to prevent the loss of up to 45% of all LPTV stations.

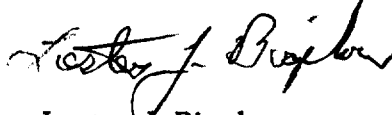
Since the Commission is proposing to give second channels to full power licensees without charge, it only makes sense to have those licensees compensate existing LPTV stations for any required move or displacement, as suggested in paragraph 68 of the 6th NPRM. It is the LPTV licensees who can ill afford additional expenses, much less a cessation of all operations, while the wealthier full power licensees get a second equally valuable channel for free. This is perhaps the greatest example of the Commission allowing the rich to get richer and the poor to become poorer. Perhaps it is too cynical to suggest that the Commission's allotment scheme confirms that "money talks". Yet, it does not take a brain surgeon to recognize that a loss of up to 45% of its existing stations would be devastating to Valley of Peace Christian Television (K07WD) and all of its viewers.

We, the Board of Valley of Peace Christian Television, support all measures suggested by the Commission to preserve existing LPTV service including 1) setting aside channels specifically for use by displaced LPTV stations, 2) taking terrain and other engineering factors into account and finding replacement channels, 3) giving preference to LPTV over new broadcast applicants in seeking primary use of available DTV channels, 4) requiring full power licensees to permit multiplexed use of their second channels by LPTV stations that would otherwise be displaced by the Commission's allotment scheme. In those areas where LPTV service would be lost completely by awarding a second channel to all full power licensees (i.e. because there would be no alternate channels available), the Commission should consider awarding second channels to fewer than all full power licensees. After all, full power licensees, like their LPTV brethren, are free to begin digital broadcasts on their primary channels at any time. In markets where there are more than 5 or 6 full power stations, we question whether the public interest requires all such stations to have dual allotments, if the end result is a net loss of services to the public.

In summary, we, the Board of Valley of Peace Christian Television, fully agree with the concepts and principles of DTV. However, we believe that these concepts should *not* be implemented at the expense of either LPTV or full-powered stations and should be implemented with no adverse effect on any existing LPTV or full powered stations. In the 6th NPRM the Commission confirms yet again that it "continue(s) to recognize the benefits that low power stations provide to the public. LPTV stations have increased the diversity of television programming and station ownership, and served many rural and urban ethnic communities" *paragraph 67*. If the Commission is to truly recognize those benefits, it cannot permit an allotment scheme to go forward that would result in the loss of 35 - 45% of all existing LPTV operations, as its current allotment proposal would effect.

Whether the Commission changes its allotment scheme, sets aside channels specifically for LPTV, or gives away second channels to fewer than all full power licensees, the Commission should not go forward with a plan that would result in a net loss of broadcast service to the public. Such a plan clearly does a disservice to the public interest, defeats the recognized benefits of the LPTV service and hurts those who most need the Commission's help to survive.

Respectfully submitted



Lester J. Bigelow
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Dated 21 November 1996
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